PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 5287.01	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US00/09542	International filing date *(day/month/year)* 11 APRIL 2000	Priority date *(day/month/year)* 13 APRIL 1999
International Patent Classification (IPC) or national classification and IPC IPC(7): H04N 7/173 and US Cl. 725/87:		
Applicant DISCOVERY COMMUNICATIONS, INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets.

   [X] This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

   These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

   - I [X] Basis of the report
   - II [ ] Priority
   - III [ ] Non-establishment of report with regard to novelty, inventive step or industrial applicability
   - IV [ ] Lack of unity of invention
   - V [X] Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - VI [ ] Certain documents cited
   - VII [ ] Certain defects in the international application
   - VIII [ ] Certain observations on the international application

Date of submission of the demand	Date of completion of this report
13 NOVEMBER 2000	24 AUGUST 2001
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer CHRISTOPHER GRANT Telephone No. (703) 305-4755

Form PCT/IPEA/409 (cover sheet) (July 1998)*

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US00/09542

I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed

☒ the description:
pages (See Attached), as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the claims:
pages (See Attached), as originally filed
pages _____, as amended (together with any statement) under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the drawings:
pages (See Attached), as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the sequence listing part of the description:
pages (See Attached), as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

☒ the description, pages NONE

☒ the claims, Nos. NONE

☒ the drawings, sheets/fig NONE

5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

** Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).*

***Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.*

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US00/09542

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)	Claims	1-109	YES
	Claims	NONE	NO
Inventive Step (IS)	Claims	NONE	YES
	Claims	1-109	NO
Industrial Applicability (IA)	Claims	1-109	YES
	Claims	NONE	NO

2. citations and explanations (Rule 70.7)

Claims 1-33 and 64-109 lack an inventive step under PCT Article 33(3) as being obvious over Hendricks (WO 95/15649) in view of Wilson.

Considering claims 1, 64 and 71, Hendricks discloses a method for ordering and distributing electronic books comprising:

(1) receiving a data stream representing a book (from 282 to 250, figure 1);

(2) processing the data stream comprising:

(a) encrypting (figure 5: step 504, page 10, lines 9-20,page 11, lines 10-11);

(b) add error correction (pages 11,lines 10-11 and step 504);

(c) convert (step 508);

(d) compress (MPEG data, figure 18b);

(e) multiplex (1064, figure 18b);

(3) broadcasting (208, figure 2)

(4) displaying (figure 14b-14e)

(5) receiving..order (figure 14b-14e, page 25);

(6) generating, sending and receiving authorization signal (pages (7) demultiplexing, decrypting and decompressing are all corresponding and necessary steps to the multiplexing, encrypting and compressing at the transmitting center stations.

Although Hendricks discloses a encrypting/decrypting, he fails to specifically disclose that the authorization signal provides a code that the terminal uses to decrypt as recited in the claims.

Wilson discloses a receiver (figure 1) for receiving program data and local authorization codes for decrypting programs for viewing at the terminal. Encryption and the corresponding decryption techniques prevent unauthorized viewers from watching private, special or pay programs and events. See abstract and column 5, lines 5-40.

It would have been obvious to one of ordinary skill in the art to modify Hendricks' system to include the authorization signal to provide a code that the terminal uses to decrypt, as taught by Wilson, for the typical advantage of enabling authorized viewers to watch private or pay programs and events.

(Continued on Supplemental Sheet.)

Supplemental Box
(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

I. BASIS OF REPORT:

This report has been drawn on the basis of the description,
page(s) 1-74 , as originally filed.
page(s) NONE, filed with the demand.
and additional amendments:
NONE

This report has been drawn on the basis of the claims,
page(s) 76, 80-86, as originally filed.
page(s) NONE, as amended under Article 19.
page(s) NONE, filed with the demand.
and additional amendments:
Claim pages 75, 77-79, filed with the letter of 20 July 2001

This report has been drawn on the basis of the drawings,
page(s) 1-53 , as originally filed.
page(s) NONE, filed with the demand.
and additional amendments:
NONE

This report has been drawn on the basis of the sequence listing part of the description:
page(s) NONE, as originally filed.
pages(s) NONE, filed with the demand.
and additional amendments:
NONE

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):

Claims 2-21, 23-33, 65-70 and 72-109 are limitations disclosed and/or illustrated throughout the Hendricks reference.

Claim 22 is met by the combined systems of Hendricks and Wilson, wherein Hendricks discloses one or more of the multiplexing schemes sent over the air as shown by the output of mux (1080) to the satellite of figure 18b.

Claims 34-63 lack an inventive step under PCT Article 33(3) as being obvious over Hendricks (WO 95/15649).

Considering claim 34, Hendricks discloses a method for distributing electronic books comprising:

(1) receiving a data stream representing a book (from 282 to 250, figure 1);
(2) packaging, packetizing, generating and providing:
(a) encrypting (figure 5: step 504, page 10, lines 9-20,page 11, lines 10-11);
(b) add error correction (pages 11,lines 10-11 and step 504);
(c) convert (step 508);
(d) compress (MPEG data, figure 18b);
(e) multiplex (1064, figure 18b);
(f) broadcasting (208, figure 2); and
(3) receiving and providing....order (figure 14b-14e, page 25).

Although Hendricks discloses of providing electronic book and menu from external sources, he fails to specifically disclose providing the menu using an Internet web site as recited in the claim.

However, the Internet is the most widely used source for obtaining information on various subject matter.

It would have been obvious to one of ordinary skill in the art to modify Hendricks' system to include the menu using an Internet web site because the Internet is the most widely used source for obtaining information on various subject matter.

Claims 35-63 are limitations disclosed and/or illustrated throughout the Hendricks reference.

----------NEW CITATIONS----------
WO 95 15649 A (HENDRICKS) 08 June 1995, whole document
US 5,742,680 A (WILSON) 21 April 1998, abstract and column 5, lines 5-40.